



Appeal Decision

Site visit made on 1 July 2022

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st July 2022

Appeal Ref: APP/U5360/W/21/3284652

29 St. Mark's Rise, Hackney, London E8 2NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Vantex Limited against the decision of London Borough of Hackney.
 - The application Ref 2021/0917, dated 19 March 2021, was refused by notice dated 14 May 2021.
 - The development proposed is Demolition of an existing garage & storage container and construction of a two storey office building plus a basement for storage purposes.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues with regards to the proposal are:
 - Whether or not it would preserve or enhance the character and appearance of the St Mark's Conservation Area (CA); and
 - Whether or not the proposed use would be compatible with the surrounding area outside a designated shopping and employment area.

Reasons

Character and appearance of CA

3. The appeal site forms part of the St Mark's Conservation Area. At the centre of the Conservation Area is the parish church of St Mark's, around which the streets of this Victorian speculative development were formally laid out and built up during the mid-1860s. The St Mark's Conservation Area Appraisal 2008 recognises the excellent survival of high quality middle-class Victorian housing.
4. The main building faces onto St Mark's Rise and turns the corner with Alvington Crescent. A shop unit is located to the ground floor with the main entrance chamfered on the corner. The building stands prominent in this location. A metal storage container is located within the rear yard and a further garage building detached from the main building and accessed from Alvington Crescent.
5. The proposed new office and storage building to support the main shop unit would remove these features to be replaced by a part single part two storey flat roofed extension with its main entrance to Alvington Crescent.

6. The development would be of a considerably larger scale and mass than the existing buildings on site, even if the single storey element would be slightly higher than the storage container. The storage container is not widely exposed to the street scene.
7. Buildings of townscape merit, to which the appeal site is included, are well detailed examples of mainly traditional late 19th century houses. Together, these buildings provide a cohesive and interesting historic townscape. The proposal before me would add a new form of development in a prominent location that is intended to resemble the architectural language of the local area.
8. However, a proposal of this scale and mass would be out of place in this back yard location, despite the existing buildings being located there. It would not correspond with the scale, mass and existing urban grain of other traditional development.
9. In addition, its design characteristics would fail to harmonise with the more finely detailed and quality architecture that is an intrinsic part of the CA. Even if timber fenestration were introduced, the fenestration pattern would remain at odds with the local vernacular as the windows would appear uncharacteristically large and the proportion of opening-to-brick ratio, would not preserve or enhance local distinctiveness.
10. I appreciate it would remove a metal storage container and a garage building, both of little architectural merit. However, as I have explained earlier, the container is not widely viewed in the context of the street scene and could be removed at any time, and the brick garage is one of a utilitarian appearance similar to others seen in close range.
11. The proposal before me would not respond to local character, one of quality, and would not be a betterment to the CA, but instead have a greater detrimental effect upon the character and appearance of the CA than the existing buildings it is proposed to replace.
12. As the appeal property sits within a conservation area, any development must be considered within the context of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that I pay particular attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
13. The proposal would not accord with the defining characteristics of the CA, and most significantly, it would not make a positive contribution to its historic integrity. Therefore, it would not preserve or enhance the special character or appearance of the CA.
14. Paragraph 199 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation. That is still so, irrespective of whether the potential harm is 'less than substantial'. This harm would be 'less than substantial' and in accordance with paragraph 202 of the Framework, the public benefits must be balanced against any harm found.
15. There are limited public benefits associated with the proposal that is explained by the appellant as providing further employment opportunities. However,

there is no evidence to suggest this would be the case. In any event, they comment that staff numbers are reducing from four to three. Nor can I comment on the 'economic vitality' of the proposal as a public benefit as that is not before me. There is no evidence provided by the appellant as to how the proposal as a 'viable' use, is a public benefit for me to explore.

16. To conclude on this main issue, the proposed development as a combination of inappropriate design, scale and massing, would not correspond with the historic environment. It would appear as an incongruous and visually discordant feature detrimental to the character and appearance of the CA. Consequentially it would be contrary to the design aims and heritage protection objectives of policies LP1 and LP3 of the Hackney Local Plan 2033 as well as conflicting with the design and heritage safeguarding policies of D4 and HC1 of the London Plan 2021.
17. However, I find no particular relevance to the Hackney Residential Extensions and Alterations SPD 2009 as this development is for a commercial enterprise.

Compatibility with local area

18. The building is intended to be an ancillary office and storage accommodation to support the main use of the shop unit at 29 St Marks Rise.
19. It is located within a residential area that is confirmed by both parties as not within a designated shopping or commercial area and therefore Local Plan Policy LP26 requires new employment space to meet specific criteria.
20. There is an existing business use located within part of the main building. I have considered the suggestion from the appellant that the proposed building is conditioned to remain ancillary to the host use. In light of paragraph 56 of the National Planning Policy Framework, I consider a planning condition could be imposed to ensure the building remains as such, even though there is no internal access from one to the other. The location of the proposed entrance on the main elevation close to the shop unit would allow convenient access from one to another in my view. Also, as part of meeting policy criteria, there is nothing before me to conclude that office and storage use would lead to harm arising to residential living conditions.
21. Most significantly however, as I have found earlier, the proposal would not contribute to good placemaking to which I apply significant weight to meeting this part of the planning policy's criteria.
22. Therefore, to conclude on this main issue, in terms of the context only of a new office building in this location to support the main use, I find no direct conflict with Policy LP1 of the Local Plan. However, it would not meet the good placemaking criteria set out in Policy LP26 and therefore given the substantial weight I apply to this part of the policy, the proposal would therefore fail.
23. The relevance of the London Plan 2021 policies D3 and D4 relate to design that is not directly connected to compatibility of the use. In addition, I find no direct relevance to the proposal and the Hackney Residential Extensions and Alterations SPD 2009 due to its proposed commercial use.

Other Matters

24. The appellant complains of indiscriminate dumping of effects outside the boundary wall. It is however not evidenced with the appeal how this proposal would prevent this from occurring. Also, there is nothing before me to suggest that improvements to the building that the appellant may undertake, can only be made with this proposed scheme in place.
25. It may meet other policy requirements such as safeguarding residential amenity and highway safety matters, situated in a location with good transport links, and there may be no evidence of complaints associated with the existing business use. It has been intended to be designed to be an accessible building to all. However, these are neutral in the overall consideration of the proposal and neither weigh for or against it.
26. There is no evidence presented that the use is a long-term family business or the relevance of this to the proposal, or how this is the only design solution to expand their business, or that they would relocate as a consequence of the appeal being dismissed. I apply only limited weight to these matters.
27. How the scheme could be considered as affordable employment space has not been explored to allow me to take this into account, or the relevance of future flexibility of the development.
28. Any complaints regarding how the Council have reached their decision should be referred to them in the first instance and is not within my scope to comment.

Conclusion

29. The proposal would not lead to good design and would fail to protect the wider heritage asset that is the Conservation Area. The proposal would thus lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR

